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JUN 28 2023

UNITED STATES DISTRICT COURT

U.S. District Court
Middle District of TN

U.S.D. for the
Middle District of Tennessee
Middle Division

James D. Smith
MARK MONTANO
Howard L. LARMAN
MR. L. ENGLISH

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

WILL PATH. KIA. KARA. MEAD

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

James D Smith

All other names by which
you have been known:

N/A

ID Number

A000350635

Current Institution

El Paso County Jail

Address

CJC 2738 E. Las Vegas St
Colorado Springs CO 80906

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Well Path CEO

Job or Title (*if known*)

CEO

Shield Number

Employer

Well Path

Address

3926 Murreces Blvd RD

Nashville

TN

City

State

Zip Code

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Kia

Job or Title (*if known*)

Charge Nurse

Shield Number

Employer

Well Path

Address

3926 Murreces Blvd

Nashville

TN

City

State

Zip Code

☒ Individual capacity ☐ Official capacity

Defendant No. 3

Name

KAKA

Job or Title (if known)

Nurse

Shield Number

Employer

Well Path

Address

3926 MUFFREES BORO RD

Nashville

City

TN

State

Zip Code

☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name

MCKAYLA

Job or Title (if known)

Nurse

Shield Number

Employer

Well Path

Address

3926 MUFFREES BORO RD

Nashville

City

TN

State

Zip Code

☒ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

A.D.A. ACT

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

ADA Act

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):



Pretrial detainee



Civilly committed detainee



Immigration detainee



Convicted and sentenced state prisoner



Convicted and sentenced federal prisoner



Other (*explain*)

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

From June 16th 2022 - June 18th 2023
They left me laying in my own feces for hours
at a time every day and Refused my medication

C. What date and approximate time did the events giving rise to your claim(s) occur?

06/16/22 - 06/19/23

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

nurses, etc, KARA! mckayla continued to neglect my needs daily. They Refuse to help me And MALICIOUS Acts towards me occurred Almost Daily

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Hospitalized For A Broken Hip
Chest Pains.

Loss of sight in Right Eye

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

40 million Dollars
40 years Imprisonment For All Defendants.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

El Paso County Jail

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

Name: James D. Smith

Admit #: 000350695

Criminal Justice Center
2739 E Las Vegas Street
Colorado Springs, CO 80906

DENVER CO 802

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Middle District of TN

UNITED STATES District Court
Clerk of Court
710 Church Street
Nashville Tennessee 37203